

**Remarks/Arguments:**

Claims 27-58 are pending, with claims 35, 44, 48, 50, 54, and 58 being amended, hereby.

Claims 1-26 are cancelled, without prejudice or disclaimer.

Claims 35 and 44 are hereby amended to in order to correct the claim dependency recited in each of the claims. More precisely, claim 35 is rewritten, hereby, to be dependent on claim "31," and claim 44 is rewritten, hereby, to be dependent on claim "38." Claims 48, 50, and 54 are amended to correct misspellings. The incorrectly recited claim dependencies and misspellings are the result of clerical errors and, although inadvertent, the errors are nonetheless regretted.

In response to the restriction requirement, applicants elect to prosecute the invention of Group I, claims 27-37, 40, 46, and 56-58.

In response to the requirement for species election **I**, applicants elect the species polypeptide, in particularly, antibody as recited in present claim 30. Present claims 27-58 read on the elected species.

In response to the requirement for species election **II**, applicants elect the species "medicament *without* . . . an additional therapeutically active agent," set forth in the species election requirement (Office Action, page 3), with traverse. None of the present claims reads on the elected species, since the only "medicament" subject matter presently claimed is that "with an additional therapeutically active agent" (claim 56, emphasis added).

The requirement for species election **II**—with all due respect—is vague and indefinite; and, as such, it is traversed. More precisely, election is required between a medicament without an

additional therapeutically active agent, on the one hand, and, on the other hand, a medicament with an additional therapeutically active agent; however, the only presently claimed "medicament"—provided in present claims 56-58—is a medicament "with" an additional therapeutically active agent. In other words, none of the present claims reads on a "medicament" without an additional therapeutically active agent. Moreover, since none of the present claims defines a "medicament" without an additional therapeutically active agent, there is no such medicament subject matter, which renders a species election impossible; i.e., it is impossible to define (i.e., elect) a species within a non-defined genus.

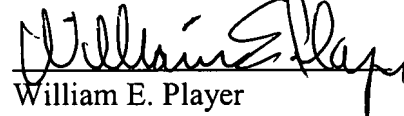
Nevertheless, in compliance with PTO Rules requiring that a species be elected—even though the requirement for election of species is traversed—applicants have elected the species "medicament without . . . an additional therapeutically active agent" and traversed the requirement, for the reasons set forth above.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By



William E. Player

Reg. No. 31,409

400 Seventh Street, NW  
The Jenifer Building  
Washington, D.C. 20004  
Tel. (202) 638-6666  
Fax (202) 393-5350  
Date: September 13, 2007  
WEP/jhr

R:\Home\WPLA\WEP&secretary\2007\September\P71167US0 amd.wpd